United Nations A/C.3/53/L.55

General Assembly

Distr.: Limited
13 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 105
Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions

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98-35281 (E) 161198

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office[1] and the report and conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-ninth session,[2]

Recalling its resolution 52/103 of 12 December 1997,

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities, paying tribute to those staff members whose lives have been endangered in the course of their duties, and deploring the injuries and deaths of staff members as a consequence of generalized as well as targeted violence,

1. *Endorses* the report and conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-ninth session;

2. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking permanent solutions to the problem of refugees;

3. Reaffirms the fundamental importance of the 1951 Convention[3] and the 1967 Protocol[4] relating to the Status of Refugees, in particular their implementation in a manner fully compatible with the object and purpose of those instruments, notes with satisfaction that one hundred and thirty-six States are now parties to one or both instruments, and welcomes, in this regard, the decision by the High Commissioner to actively promote accessions to the 1951 Convention and the 1967 Protocol;

4. *Notes* that the fiftieth anniversary of the Universal Declaration of Human Rights[5] is being commemorated in 1998, and calls on all States to reaffirm their commitment to the Declaration as a fundamental step towards protection for everyone;

5. *Reaffirms* that, as set out in article 14 of the Declaration, everyone has the right to seek and enjoy in other countries asylum from persecution, and calls on all States to refrain from taking measures that jeopardize the institution of asylum, in particular by returning or expelling refugees or asylum-seekers contrary to international standards;

6. *Emphasizes* that refugee protection is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

7. *Stresses* the importance of international solidarity and burden-sharing in reinforcing the international protection of refugees, and urges all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, to cooperate and mobilize resources until durable solutions are found with

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[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 12* (A/53/12).

[2] Ibid., *Supplement No. 12A* (A/53/12/Add.1).

[3] United Nations, *Treaty Series*, vol. 189, No. 2545.

[4] Ibid., vol. 606, No. 8791.

[5] Resolution 217 A (III).

a view to reducing the burden borne by States, particularly developing countries, that have received large numbers of asylum-seekers and refugees;

8. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers such as refoulement, unlawful expulsion and physical attacks, and calls upon all States of refuge, in cooperation with international organizations where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers;

9. *Urges* States to uphold the civilian and humanitarian character of refugee camps and settlements, *inter alia*, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees in secure locations and to afford to the Office of the High Commissioner and other appropriate humanitarian organizations prompt, unhindered and safe access to asylum-seekers, refugees and other persons of concern;

10. *Calls upon* States and all concerned parties to refrain from any actions that prevent or obstruct the staff of the Office of the High Commissioner and other humanitarian personnel from performing the functions required under their mandates, to take all possible measures to safeguard their physical security and property, to investigate fully any crime committed against them, to bring to justice persons responsible for such crimes and to facilitate the discharge of the mandated functions of the Office of the High Commissioner as well as of other humanitarian organizations;

11. *Urges* all States and relevant organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, integration in the country of asylum and resettlement in a third country, as appropriate, reaffirms that voluntary repatriation is the preferred solution to refugee problems, and calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community as a whole to do everything possible to enable refugees to exercise their right to return home in safety and with dignity;

12. *Calls upon* all States to promote conditions conducive to the voluntary repatriation of refugees in safety and with dignity, including conditions furthering reconciliation and long-term development in countries of return, and to support the sustainable reintegration of returnees by providing countries of origin with necessary rehabilitation and development assistance in conjunction, as appropriate, with the Office of the High Commissioner and relevant development agencies, and also urges the Office of the High Commissioner to strengthen its cooperation and coordination with relevant entities, including international financial institutions and non-governmental organizations;

13. *Reiterates* the right of all persons to return to their country of origin, emphasizes in this regard the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who have sought asylum and have been determined not to be in need of international protection, and affirms the need for the return of persons, irrespective of the status of the persons concerned, to be undertaken in a humane manner and in full respect for their human rights and dignity;

14. *Acknowledges* the desirability of comprehensive approaches by the international community, including comprehensive regional approaches, to the problems of refugees and displaced persons, and notes, in this regard, that capacity-building in countries of origin and countries of asylum can play an important role in addressing the root causes of refugee flows, in strengthening emergency preparedness and response, and in providing effective protection and achieving durable solutions;

15. *Urges* States, in cooperation with the Office of the High Commissioner and other relevant organizations, to explore and fully support capacity-building initiatives as part of a comprehensive approach to addressing refugee issues, and to take necessary measures to promote sustainable development and to ensure the success of capacity-building activities, including those which strengthen legal and judicial institutions, strengthen civil society and promote the observance of human rights, the rule of law and accountability, which enhance the capacity of States to fulfil their responsibilities in respect of persons of concern to the Office of the High Commissioner;

16. *Notes* the relevance of the Guiding Principles on Internal Displacement,[6] reaffirms support for the role of the Office of the High Commissioner in providing humanitarian assistance and protection to internally displaced persons, on the basis of specific requests from the Secretary-General or the competent organs of the United Nations and with the consent of the State concerned, taking into account the complementarities of the mandates and expertise of other relevant organizations, and emphasizes that activities on behalf of internally displaced persons must not undermine the institution of asylum;

17. *Calls upon* States to adopt an approach that is sensitive to gender-related concerns and to ensure that women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, including persecution through sexual violence or other gender-related persecution, are recognized as refugees, and encourages the Office of the High Commissioner to continue and to strengthen its efforts for the protection of refugee women;

18. *Urges* States and relevant parties to respect and observe principles of international human rights, humanitarian and refugee law that are of particular relevance to safeguarding the rights of child and adolescent refugees; notes the particular vulnerability of refugee children to being forcibly exposed to the risks of injury, exploitation and death, particularly in the context of armed conflict, and to abduction with a view to forcing participation in military activities; and urges all States and concerned parties to take all possible measures to protect child and adolescent refugees, including, in particular, from all forms of violence, exploitation and abuse, and to prevent their separation from their families;

19. *Notes* that 1999 has been declared the International Year of Older Persons, and calls upon the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

20. *Recalls* paragraphs 14, 15 and 16 of resolution 50/152 of 21 December 1995, and encourages the High Commissioner to continue her activities on behalf of stateless persons;

21. *Calls upon* all Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum through efforts aimed at continuing to alleviate the burden borne by States, in particular developing countries, countries in transition and countries with limited resources, that, due to their location, host large numbers of refugees and asylum-seekers, to contribute to the programmes of the Office of the High Commissioner and, taking into account the effects on countries of asylum of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing among donors, to assist the High Commissioner in securing

[6] E/CN.4/1998/53/Add.2.

additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are fully met.